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Remarks

Reconsideration of the above-captioned application is respectfully requested. The subject matter of allowable Claim 24 has been moved into independent Claim 21, and all other independent claims have been allowed except for Claim 1, leaving only it and its dependent claims at issue.

Claims 1 and 5-8 have been rejected under 35 U.S.C. §103 as being unpatentable over Belsan et al., USPN 5,632,012 in view of Pfeffer et al., USPN 5,210,860, and dependent Claim 2 has been rejected under 35 U.S.C. §103 as being unpatentable over Belsan et al. in view of Pfeffer et al. and Lester et al., USPN 6,715,116.

Applicant respectfully asserts that Claim 1 in its current form is patentable. The examiner has equated a user changing a scrub timer (as taught in the secondary reference) with the claimed "scrub delay period that depends on a number of user requests received from a RAID controller" because, per the examiner, the user changing the timer is "a" request and "a" equals "one", which is a "number". However, this argument fails in at least two respects: (1) the relied-upon "request" is not from a RAID controller as claimed, and (2) changing the timer in Pfeffer et al. depends on the existence of a request, not on its inherent "number" of unity. In contrast, Claim 1 explicitly requires changing a timer based on a parameter - a number - that is not implicated in Pfeffer et al., regardless of whether the non-numeric element that is actually used in Pfeffer et al. might inherently implicate the number of unity by its mere existence. In essence, the examiner's position erases an element from Claim 1 and replaces it with a different element from Pfeffer et al.

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

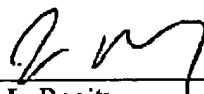
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The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,



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